

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

DATE: 3/14/2023
TIME: 10:00 AM
LOCATION: Teleconference

Due to the COVID-19 precautions this meeting will be held by teleconference. If you would like to submit oral testimony, please call in at the above date and time to 1-614-721-2972. Then enter the meeting I.D. which is 894 006 837#. Written testimony may also be submitted electronically to rules@jfs.ohio.gov.

Pursuant to sections 5104.21, 5104.22 and Chapter 119. of the Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment, rescission and adoption of the rules as identified below and of a public hearing thereon. The rules are being proposed for amendment, rescission and adoption due to the five-year review and to implement federal health and safety requirements for child day camp programs, staff and children.

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

5101:2-18-01 "Definitions for registered and approved child day camps" has been amended with the following changes:

- Corrected spelling of "certified"
- Added a definition for "authorized representative"
- Added "per section 5104.01 of the Revised Code" to the definition of "child care" to include reference to Ohio Revised Code (ORC)
- Added a definition for "corrective action plan"
- Clarified the definition of "child day camp administrator" by removing "individual who holds overall responsibility for the administration" and replacing with "person responsible for the daily operation"
- Clarified the "day camp owner" definition
- Added a definition for "modified diet"
- Clarified the "onsite" definition by removing unnecessary wording
- Corrected the wording in the definitions of "physician" and "physician's assistant"

5101:2-18-02 "Requirements for registered child day camps not seeking approval to provide publicly funded child care" is a new rule that replaces rescinded rule 5101:2-18-02 "Requirements for child day camp registrations" because the rule was changed to question and answer format.

The following changes were made:

- Clarified background check requirements, including listing specific staff members of registered child day camps who are required to get background checks, and re-wording some paragraphs to simplify language and for clarity
- Clarified that registered child day camps must comply with inspections by the Ohio Department of Job and Family Services (ODJFS) to determine compliance with section 5104.013 of the Revised Code in new paragraph (E)(2)
- Moved paragraph (C) of rescinded rule 5101:2-18-02 to new paragraph (F) of this rule.

Appendix A to rule 5101:2-18-02 replaces **rescinded Appendix A to rule 5101:2-18-02** and outlines the rehabilitation standards for registered child day camps. No changes were made to the language of this appendix.

5101:2-18-03 "Approved child day camp registration and application" has been amended to include registration requirements for approved day camps previously included in rule 5101:2-18-02.

The following changes were made:

- Moved old paragraph (A) of this rule to new paragraph (D) of this rule
- Corrected the name of the required pre-camp orientation training
- Replaced a reference to a rescinded rule with the updated rule number
- Replaced a reference to the Child Care Information Data System (CCIDS) provider portal with the Ohio Child Licensing and Quality System (OCLQS)
- Relocated the requirements to maintain private pay rates from paragraph (H) of this rule to paragraph (J) of this rule
- Replaced references to an obsoleted form with the new electronic process

Appendix A to rule 5101:2-18-03 has been amended with the following changes:

- Removed revision dates from forms
- Replaced references to obsoleted forms with electronic processes
- Corrected language regarding the documentation needed when meals or snacks are provided by an off-site food processing requirement to align with requirements of the Ohio Department of Health (ODH) and the Ohio Department of Agriculture (ODA)
- Added the emergency and disaster plan as a document required at application
- Clarified the electronic process for requesting a background check

5101:2-18-04 "Compliance inspection and complaint investigation of an approved child day camp" has been amended to clarify the process for submitting a corrective action plan, and to clarify that additional inspections or compliance materials may be required when non-compliances are found.

5101:2-18-05 "Child day camp administrator requirements for an approved child day camp" has been amended with the following changes:

- Clarified child day camp administrator responsibilities to include a reference to the Revised Code, to clarify time on site requirements when more than one administrator is affiliated with the program and to clarify documentation requirements
- Created new paragraph (B) to group OPR and documentation requirements into one paragraph

- Added that child day camp administrators must create or update the approved child day camp's organizational dashboard in the OPR as we move toward paperless processes
- Added that child day camp administrators should ensure employees create or update their records in the OPR before their first date of hire and within five days of changes to positions or roles because we are moving toward paperless employee files
- Added that the approved child day camp's organizational dashboard must be updated within five days of a change for employees and child day camp staff members, including scheduled days and hours, group assignments, and end dates of employment because we are moving toward paperless employee files, training verifications and background check processes.

Appendix A to rule 5101:2-18-05 has been amended with the following changes:

- Replaced paragraphs with bulleted lists for readability
- Added that approved child day camp administrators must include suspension and expulsion policies to comply with CCDBG requirements
- Added that approved child day camp administrators must clarify the difference between "disenrollment" and "expulsion" based on recommendations from the Early Childhood Inclusion State Leadership Team
- Added ADA requirements based on recommendations from the Early Childhood Inclusion State Leadership Team
- Clarified administration of medication policy requirements
- Clarified transportation policy requirements
- Added that water activity/swimming policy must include the camp's policy for excluding children from water activities due to disability or difficulty of the activity, based on recommendations from the Early Childhood Inclusion State Leadership Team

Appendix B to rule 5101:2-18-05 has been amended to include the process for filing a discrimination complaint, and to remove a reference to early intervention services, since these services do not apply to school-age children.

5101:2-18-06 "Lead counselor, junior counselor, counselor-in-training and employee requirements in an approved child day camp" has been amended with the following changes:

- Updated URLs to websites
- Corrected the title of the required pre-camp orientation
- Removed paragraph (E)(5) which required staff members employed prior to the effective date of the rule to take the pre-camp orientation by July 1, 2018

5101:2-18-08 "Training and professional development requirements for an approved child day camp" has been amended to clarify that the first aid and CPR trainings are both to follow a curriculum that is appropriate to the age and developmental levels of the children in care, due to federal requirements.

Appendix A to rule 5101:2-18-08 has been amended to clarify that first aid classes are to follow a curriculum that is appropriate for the ages and developmental levels of the children in care.

5101:2-18-09 "Supervision of children and ratios for an approved child day camp" has been amended with the following changes:

- Clarified that the original written attendance records must be kept on file for one year
- Clarified the meaning of supervision

Appendix A to rule 5101:2-18-09 has no changes.

5101:2-18-10 "Emergency, disaster and health-related plans for an approved child day camp" has been amended with the following changes:

- Added that an emergency/lockdown drill must be conducted based on federal CCDBG requirements
- Added that the emergency and disaster plan must include details about emergency lockdowns based on federal CCDBG requirements
- Added that the emergency and disaster plan must include details about continuity of operations based on federal CCDBG requirements

Appendix A to rule 5101:2-18-10 has no proposed changes.

5101:2-18-11 "Administering medication and caring for children with special health needs at an approved child day camp" has been amended with the following changes:

- Clarified that approved child day camps must document when children administer their own medication
- Moved paragraph (A)(7) to paragraph (A)(6) for clarification
- Added medical foods and topical products to paragraph (B) for clarification
- Clarified that a statement from a physician, physician's assistant, advanced practice registered nurse or certified nurse practitioner must be on file indicating that a child has been immunized or is in the process of being immunized based on ORC and federal CCDBG requirements
- Corrected the language in paragraph (C)(3) by removing "to prevent a disease on the appendix of this rule" and replacing with "against the diseases required by division 5104.014 of the Revised Code and found in appendix A to this rule" for clarity and consistency with ORC
- Clarified the procedures and requirements for written medical care plans
- Added that immunization records are subject to review by ODH for disease outbreak control and for immunization level assessment purposes
- Clarified child medical record retention requirements

Appendix A to rule 5101:2-18-11 has no proposed changes.

5101:2-18-12: "Transportation and field trip safety for an approved child day camp" has been amended with the following changes:

- Added medication requirements to the list of reasons the medical health form is required on field trips

- Added that reasonable accommodations must be provided for children with special needs so that they are not excluded from trips, based on recommendations from the Early Childhood Inclusion State Leadership Team
- Clarified that an additional adult in a vehicle may be the driver, a parent or a volunteer
- Removed the requirement that valid driver's licenses must be checked and kept on file, because this is already required by the American Camp Association (ACA)
- Removed the requirement that the driver must be free of any substance which could impair driving abilities. This is regulated by the state highway patrol or other law enforcement agency
- Clarified that all passengers, including the driver, must follow the state of Ohio's child restraint law
- Removed a reference to an outdated form
- Clarified that transportation contracts must be kept on file for review
- Removed revision dates from forms
- Added safety inspection requirements for new vehicles bought directly from the dealer
- Added federal motor carrier safety administration (FMCSA) safety inspectors and the Ohio state highway patrol as qualified inspectors of vehicles
- Added that the approved child day camp must prepare buses before each trip following the Ohio Department of Education's (ODE) operational and safety rules of Chapter 3301-83 of the Administrative Code

Appendix A to rule 5101:2-18-12 has no proposed changes.

5101:2-18-13: "Safe and sanitary equipment and environment in an approved child day camp" has been amended with the following changes:

- Removed paint "which contains lead or other poisonous materials" and replaced with "peeling or chipping" paint
- Removed the word "any" and replaced with "all" for clarity
- Added that children must be protected from vehicular traffic and bodies of water, based on CCDBG requirements
- Clarified that if a potential lead hazard is identified, ODJFS will make a referral to the appropriate agency
- Clarified that children may use cleaning equipment and cleaning agents with adult supervision
- Added lead poison hazard requirements for renovations and remodeling areas in which programming takes place
- Corrected misspellings

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad

Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.